

### Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Initially, as requested by the Examiner, a copy of "P & Q Review!" relied upon in the 103(a) rejection is included herewith.

The specification has been amended so as to more explicitly recite that the computer program disclosed therein is embodied on a computer readable medium. It is submitted that this amendment to the specification does not constitute new matter since storing computer programs on recording mediums is well established in the programming art.

Claim 1 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite and incomplete for omitting essential relationships of elements. Regarding the "indefiniteness" rejection, the adjusting operation has been amended so as to clarify its meaning. Further, regarding the "incomplete" rejection, the "means for" language in claim 1 has been removed. As a result, withdrawal of the rejections under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claim 1 has been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 1 has been amended so as to recite that the personnel valuation program is embodied on a computer readable medium for use with a computer. As a result, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Further, claims 1 and 3 have been amended to make a number of editorial revisions thereto. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, nor to address issues related to patentability and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over "P & Q Review!" (hereinafter P & Q) in view of Schick, "The "Refined" Performance Evaluation Monitoring System: Best of Both Worlds" (hereinafter Schick).

In light of the amendments to claim 1, the above-mentioned rejection is submitted to be inapplicable for the following reasons.

Claim 1 is patentable over the combination of P & Q and Schick, since claim 1 recites a personnel valuation program including, in part, an adjusting operation for adjusting inputted valuation data, other than at least one reference data valuator, with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation data is generated, such that mean data of the adjusted valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator. The combination of P & Q and Schick fails to disclose or suggest the adjusting operation as recited in claim 1.

P & Q discloses an evaluation program for evaluating the performance of employees. The evaluation program includes numerous features, such as defining up to eight productivity criteria, weighting the productivity criteria differently, setting a point of diminishing returns and generating quality and productivity charts. (See pages 24, 26, 28, 30, 42 and 43).

In the rejection, it is indicated that the weighting of the various productivity criteria disclosed in P & Q corresponds to the claimed adjustment operation for adjusting inputted valuation data. However, P & Q specifically discloses that this weighting is performed by the operator of the evaluation program manually adjusting the weights of each of the productivity criteria by multiplying the productivity criteria by a factor within the range of 0.66 to 1.33 (See page 26). On the other hand, claim 1 specifically recites that the adjusting operation adjusts inputted valuation data, other than at least one reference data valuator, with mean data of the at least one reference data valuator and a standard deviation of the inputted valuation data by the at least one reference data valuator, whereby adjusted valuation data is generated, such that mean data of the adjusted valuation data is identical with the mean data of the at least one reference data valuator and a reference deviation of the adjusted valuation data is identical with the standard deviation of the inputted valuation data by the at least one reference data valuator. It is clear that P & Q does not disclose or suggest the use of mean values and standard deviations in

weighting the productivity criteria. Therefore, it is apparent that P & Q fails to disclose or suggest the adjusting operation of claim 1. As a result, it is necessary for Schick to disclose or suggest this feature in order for the combination of P & Q and Schick to render claim 1 obvious.


Regarding Schick, it is relied upon in the rejection as disclosing the concept of weighting the ratings of raters based on the raters themselves in order to prevent inflation. However, Schick also fails to disclose or suggest the adjusting operation as recited in claim 1. As a result, the combination of P & Q and Schick fails to render claim 1 obvious.

Because of the above-mentioned distinctions, it is believed clear that claims 1 and 3 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1 and 3. Therefore, it is submitted that claims 1-3 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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October 5, 2005

# **P&Q Review!**<sup>TM</sup>

Productivity and Quality Performance Evaluation

## **Getting Started Guide**

Version 2  
June, 1995  
#151-0801-002

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## Read Me First

Congratulations on choosing P&Q Review!™ — a unique, Windows-based, performance evaluation tool that lets you...

- Streamline the process of evaluating productivity and quality in a way that is fair and consistent.
- Design objective performance criteria to help you evaluate agent performance and the quality of service provided to your customers.
- Evaluate all agents in a group using the same set of criteria, to clearly show that everyone who performs the same tasks is evaluated fairly and objectively.
- Import productivity data automatically from various ACD/PBX data sources or formatted data files.
- Visualize a truly balanced performance picture that integrates productivity and quality scores.
- Review comprehensive reports to track overall progress and improvement within specific skill areas, and validate your fair and consistent evaluation process.
- Show agents their own progress, and let them see how well they perform compared to group averages in each skill area.
- Identify and track performance trends, and identify reviewer inconsistencies to ensure fair and consistent evaluation patterns.
- Focus on each agent's individual skills, analyze the skills that make your *superstars* successful, and tailor training to specific areas to help agents improve.
- Offer employee incentives, reward top performers, and enhance employee productivity, morale, and satisfaction.



## Quality

Measuring quality involves determining the level of excellence in providing a service, generating sales, or producing a product. For example, you may:

- Measure service quality based on attention to detail and customer satisfaction.

*Skyway Airlines trains agents to be courteous at all times, answer all customer questions, and quote fares accurately.*

- Measure sales quality based on interaction and communication with customers, or on effective sales techniques.

*During the training process, Office Sales, Inc. places emphasis on product knowledge, communication skills, and strategies for closing a sale.*

- Measure product quality based on a finished product that complies with specified standards and has zero defects.

*Widget Inc. trains staff to produce widgets with smooth surfaces and a universal standard size.*

## Your Performance Evaluations Now

If you already evaluate performance based on both productivity and quality, you probably follow a blueprint similar to this:

1. Define your environment — Identify those individuals who will perform evaluations and those who will be evaluated.
2. Define quality criteria — Identify your goals for improving quality. Then define the quality criteria needed to satisfy those goals, and assign values to measure quality performance.

- Widgets produced — Target = 30 per hour. More is better.

You may even weight various productivity criteria to encourage (or discourage) performance in particular areas.

## Streamlining with P&Q Review!

P&Q Review! lets you perform the same definition and measurement functions, but in a way that offers consistency and saves time.

It's easy...

- First define what you want to measure — P&Q Review! handles up to eight productivity criteria and associated target values.
- Then create a productivity expression that establishes a relationship among your target values to produce an overall target productivity score.

The screenshot shows the P&Q Review! software interface. It features a table for defining productivity criteria, a section for entering a productivity expression, and buttons for selecting criteria.

CALLS	80
HOURS	8
ORDERS	40

Productivity Expression:  $((@WEIGHT(1) * CALLS) / HOURS) + ((@WEIGHT(2) * ORDERS) / HOURS)$

Buttons: CALLS, ORDERS, NOT USED

## Designing Productivity Expressions

Your mission: Create a productivity expression that establishes a relationship among target values in such a way to produce the **highest possible overall target productivity score**.

Sometimes it's best to *keep it simple*. For example, there is nothing wrong with looking at the number of calls taken and number of hours worked. Perhaps the productivity expression is simply Calls/Hours.

### Guidelines

The productivity expression can include any combination of the four basic math operators (+, -, \*, and /) and appropriate use of parentheses. The following guidelines apply:

- Use an equal number of opening and closing parentheses.
- Remember that math operations are performed from left to right, with no other priorities.
- Use parentheses to process specific math operations before others.
- Make sure the productivity expression makes sense for all expected values. For example, check for divide by zero possibilities.

**P&Q Review!** lets you fine-tune the productivity expression and adjust any productivity criteria/target values for immediate recalculation.

## Math Functions

P&Q Review! offers several math functions; the following are used most often:

- **@PEAK(expression,value)** lets you assign a point of diminishing returns. In other words, if your data indicates that productivity declines after a certain point in time, you may want to account for that in your productivity expression.

For example **@PEAK(hours/days, 8)** says that 8 is the target number of hours to work per day, and anything above or below 8 results in a lower productivity value. In this example, 9 hours/day would yield the same productivity as working 7 hours/day.

- **@WEIGHT(1, 2, or 3)** lets you take advantage of three weight bar options. That is, you can associate up to three values in the productivity expression with a weight bar, and you may change the weight assigned to these values while using the P&Q Analysis function.

*No Weight* means that each value in the expression has a factor of 1. The weight bars allow you to change that factor to a range of 0.66 to 1.33.

Some example productivity expressions are shown on the following pages.

## Example 1 — Basic Productivity Expression

Name	Target
CALLS	80
HOURS	8

Name	Target

Productivity Expression:

OK Cancel Help

The two criteria for measuring productivity are the number of calls and the number of hours worked. In this example, more calls in fewer hours is better.

Because you plan to use this data daily, you set the target values to 80 calls in 8 hours. The productivity expression is simply calls per hour.

When you use the Calc button, P&Q Review! uses the field target values and the productivity expression to calculate a target value of 10.0.

P&Q Review! compares an agent's actual productivity data against this target value and expresses the agent's productivity score as a percentage of the target value.

## Example 2 — Weight Bar Feature

Productivity Evaluation Method Sample

1	CALLS	80		
2	HOURS	8		

Formula:  $(@WEIGHT(1)*CALLS)/(@WEIGHT(2)*HOURS)$

Target:  Criteria:  Weight Bar:

CALLS  HOURS  Weight Bar

The targets and criteria are the same as in the first example, except that Calls is associated with weight bar #1 and Hours is associated with weight bar #2.

This feature is valuable if you want to assign a higher or lower value to either of these criteria when you use the P&Q Analysis function.

### Example 3 — Weighted Productivity Expression

Name	Target	Value
CALLS	80	
SALES	35	

Formula: CALLS+(3\*SALES)

You want your agents to make 35 sales. If you simply added Calls and Sales together, you would be weighting each criteria equally. In other words, the agent who makes 75 calls and 35 sales would have the same productivity as the agent who makes 80 calls and 30 sales.

However, because you want to reward more sales with a higher productivity value, you multiply the sales value by 3. Consider the following:

	If Calls =	If Sales =	C + S =	C + 3S =
1	80	35	100%	100%
2	75	35	96%	97%
3	80	30	96%	92%

With the weighting feature, agent #2 earns a higher productivity score than agent #3 by achieving the target number of sales in fewer calls.

## Example 4 — Peak Productivity Expression

**Productivity Evaluation Method Setup**

CALLS	80	Target	
HOURS	8	Target	
		Target	
		Target	

Display Target: 18,000,000,000

Formula:  $(\text{CALLS}/\text{HOURS}) * @\text{PEAK}(\text{HOURS}, 8)$

Agent 1: [ ] Agent 2: [ ] Agent 3: [ ] Agent 4: [ ]

Suppose you want to evaluate productivity based on the number of calls per hour. But, from experience you know that 8 hours a day is a peak value, because an agent who works more or less than 8 hours is less productive.

Think of peak as a *point of diminishing returns*. That is, an agent who works more than 8 hours a day actually becomes less productive, even while maintaining the target calls-per-hour ratio. Consider the following:

	If Calls =	If Hours =	Productivity =	Without Peak =
1	80	8	100%	
2	70	7	94.4%	100%
3	90	9	94.4%	100%
4	80	9	88.3%	89%

Agent #1 achieves the peak target values for 100% productivity. Agent #2 has the same peak productivity as agent #3. Agent #4 took more time to achieve the target number of calls and has the lowest productivity score.



## For More Information

Check out P&Q Review! Online Help for more information about features designed to help you define productivity criteria. Just...

1. Choose **P&Q Help Index** from the Help menu to display the PQ Review! Help window.
2. Choose **Configure** and then choose **Define P criteria**.

## P&Q Review! Key Benefits

- Match your existing productivity criteria.
- Produce fair, objective, and consistent productivity evaluations.
- Expand productivity evaluation capability to consider up to eight productivity criteria.
- Weight productivity criteria that is most important to you.
- Save administrator time during the definition process.
- Save reviewer time during the evaluation process.

## Analyzing Performance Results

This chapter explains the importance of analyzing performance evaluation scores, and how P&Q Review! can help you *slice and dice* analysis results.

### Your Performance Analysis Now

The reasons for analyzing productivity and quality performance results are clear:

- To illustrate how productivity and quality performance affect your organization's business goals and revenue.
- To target those areas where productivity and quality improvements can support your organization's business goals and increase revenue.
- To provide employees with the feedback they need to feel good about their performance, as well as improve their performance.

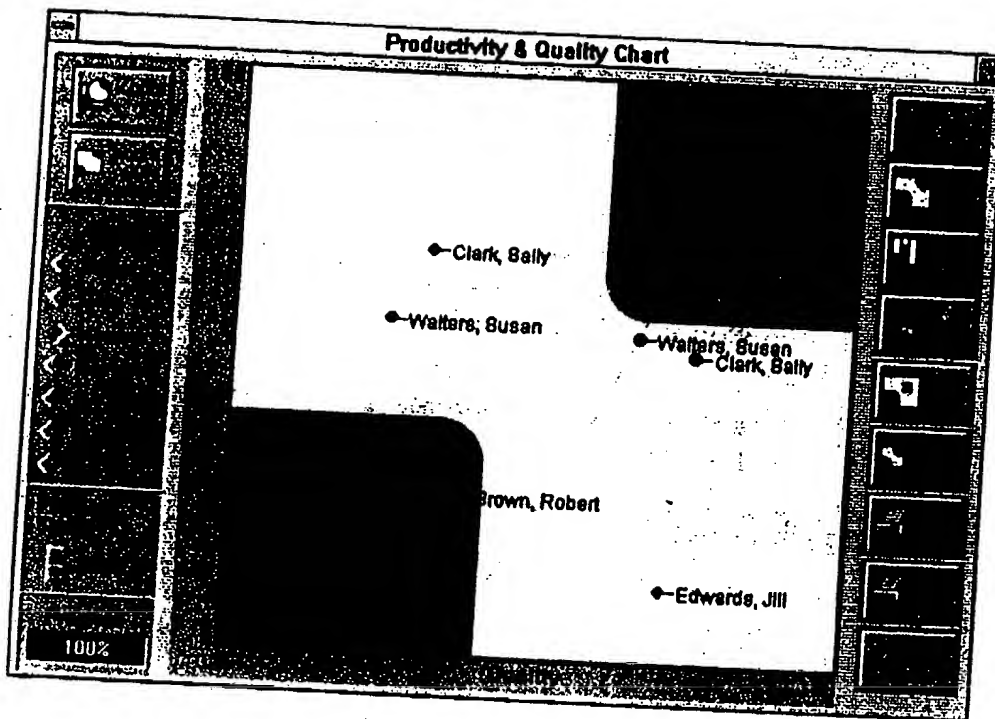
### Improving with P&Q Review!

Analysis is P&Q Review!'s greatest strength. Use its online, easy-to-use, color analysis charts to help you...

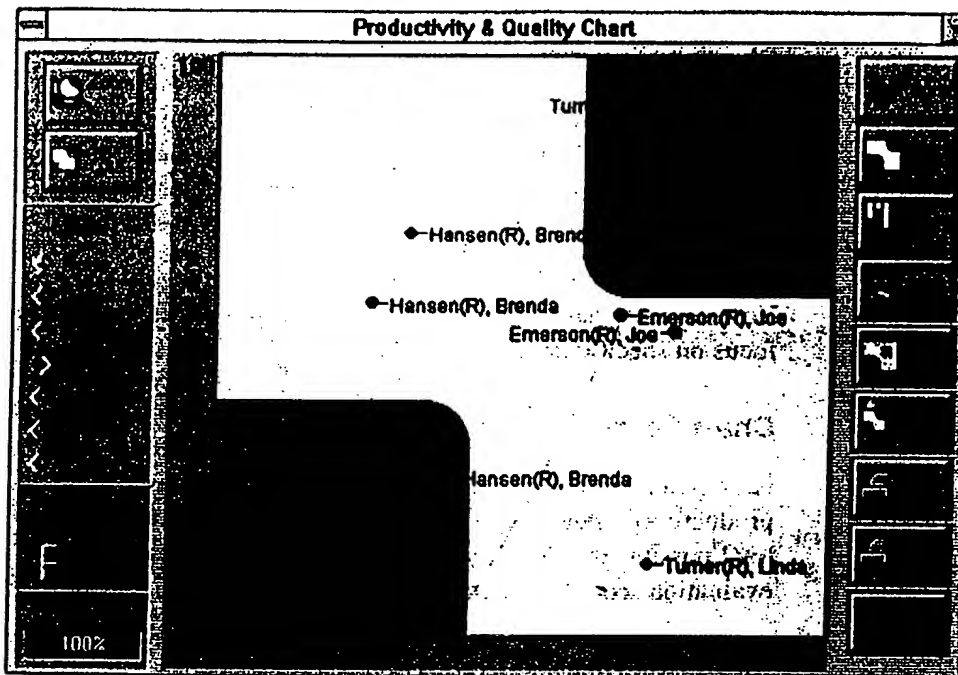
- Visualize a truly balanced performance picture that integrates productivity and quality performance scores.
- Track the performance of a particular member over time — to identify progress areas and areas that still need improvement.
- Compare the performance of individual members against the performance of the entire group — to identify star performers as well as individuals who may need additional training.

- Identify reviewer inconsistencies — to ensure fair and consistent evaluation patterns.
- Identify and track performance trends.

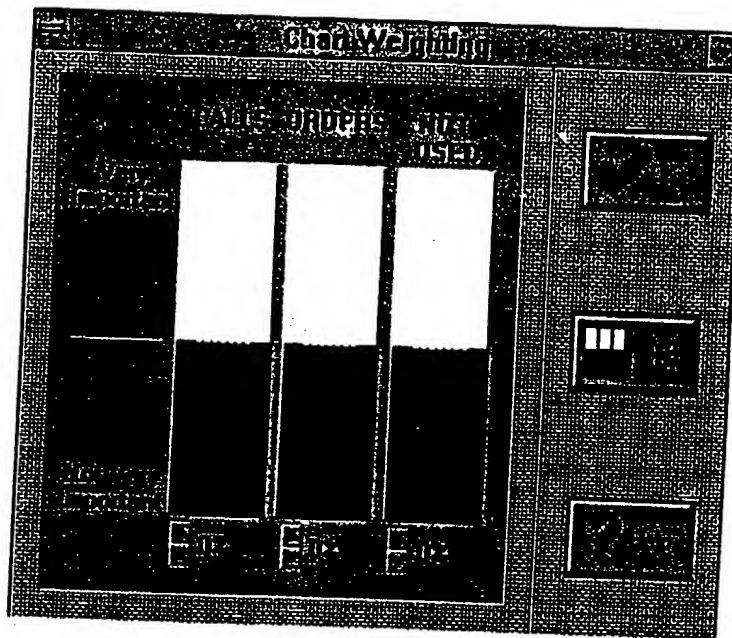
The sample chart below shows performance trends for different members of a group.



With P&Q Review!, it's easy to see reviewer inconsistencies. In the following example, notice that Brenda Hansen evaluates members consistently lower than the other reviewers.



## Performing What-If Analysis



Use the Weight feature to perform *what-if analysis*. For example, to see how individuals score if you place more value on the number of orders taken, increase the weight percentage on Orders and use the Chart function to redisplay the results.

You may also use the Weight feature for special sales promotions — and other incentives to boost agent performance.

### For More Information

Check out P&Q Review! Online Help for more information about P&Q Review! features designed to help you analyze performance results. Just...

1. Choose **P&Q Help Index** from the Help menu to display the PQ Review! Help window.
2. Choose **Analyze**.

## **Documenting Performance Results**

This chapter explains the importance of documenting performance evaluation results, and how P&Q Review! can improve the documentation process.

### **Your Performance Documentation Now**

The reasons for documenting the results of productivity and quality performance evaluations are the same as the reasons for analyzing those results — with one notable addition: To protect your organization's legal interests.

While you probably have some tools in place to adequately document productivity performance (time sheets, order summaries, sales revenue reports, contact lists, quota summary reports) and quality performance (evaluation forms), chances are this documentation is not always accessible, and certainly not integrated to show a balanced picture of overall performance.

### **Improving with P&Q Review!**

P&Q Review! offers a variety of instantly-accessible reports to help you...

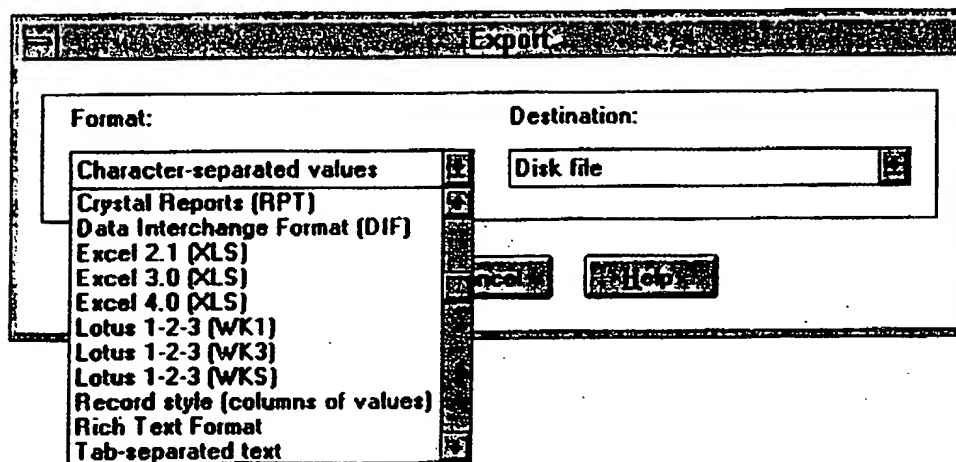
- Analyze performance results.
- Analyze the performance evaluation process itself.
- Prove that your performance evaluation process is fair and consistent.
- Comply with all human resource requirements — to protect your organization's legal interests.
- Allow designated employees to access online performance data at any time.

## Report Summary

Choose...	To show data for...	Also choose...
Browse productivity data	All members/all reviews One member/all reviews One member/one review	
Report productivity without matching quality data	Incomplete reviews	Date range
Browse quality reviews by member	All members/all reviews	Raw Scores or Percentages
	One member/all reviews	Summary
	One member/one review	
Browse quality reviews by reviewer	All reviewers/all reviews	Summary, Raw Scores, or Percentages
	One reviewer/all reviews	Summary
	One reviewer/one review	
Report quality without matching productivity data	Incomplete reviews	Date range
Report completed reviews	Completed reviews	Date range
Report scores by quality question	All members or All reviewers One member or One reviewer All or chosen Keywords	Quality question

## Reporting Options

Not only does P&Q Review! let you print reports to your workstation display or to a printer, but it also lets you export report data to a variety of software applications.



## Using Performance Documentation

You can use performance documentation to improve the evaluation process. For example, you can...

- Fine-tune productivity and quality evaluation criteria.
- Easily identify incomplete and complete reviews to monitor the evaluation process.
- Filter report data to focus on details you need for analysis.

Several sample reports are shown on the following pages.

T	
Producti	
Brown,	
Date	
03/02/94	
05/29/94	
03/11/95	
04/01/95	
Clark,	
Date	
03/12/94	
04/09/94	
03/11/95	
Edward,	
Date	
02/12/94	
04/29/95	
03/11/95	
Garcia,	
Date	
03/22/94	
03/11/95	
Miller,	



Compare the individual scores for each skill area in each review against the group average. You can actually see the progression of review totals.

P & Q Review														
Teknekron Infoswitch		P & Q Review!										May 16, 1998		
		Review/Comments for Miller, Mary										Page 1		
		From: 04/01/98 To: 05/31/98												
DATE	REVIEWER	QUALITY REVIEW QUESTIONS										CALL SCORE	HIGHEST	
		1	2	3	4	5	6	7	8	9	10			
05/25/98	Turner(R), Linda	0	2	2	1	6	6	0	22	N/A	13	N/A	77	84
05/19/98	Emerson(R), Joe	0	2	2	1	4	4	28	18	10	20		82	86
05/08/98	Emerson(R), Joe	0	2	2	0	18	15	6	10	5	16		80	64
04/29/98	Turner(R), Linda	0	2	0	1	18	18	8	13	8	16		72	79
03/26/98	Emerson(R), Joe	0	2	2	1	N/A	N/A	6	14	9	12		57	86
AVG SCORE		0	2	1	0	8	8	9	14	6	17	0	71.4	81.6
GRAND AVERAGE		0	1	1	0	9	9	11	12	7	16	3	69.6	74.4

1	Greeting: Standard	Did she say	use the standard company greeting?
2	Greeting: Brand-name	Did she say	"welcome board" by name?
3	Techsupport Call's Name	Did she say	use the caller's name?
4	Techsupport Listening Skills	Did she say	respond appropriately to what the caller said?
5	Techsupport Answers	Did she say	answer a person's needs throughout the call?
6	Techsupport Complaint	Did she say	listen to customer during adverse conditions?
7	Knowledgeable Product	Was the product information given complete and accurate?	
8	Knowledgeable Problem	Did she say	correctly explain company policies?
9	Dispute: Customer	Did she say	reasonably understand and resolve the caller's concerns or needs?
10	Dispute: Customer	Did she say	summarize and confirm following action?
11	Dispute: Call's Satisfaction	Did she say	verify the caller was satisfied?

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<b>Greeting:</b>	
<b>Technique</b>	
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## Setting Up P&Q Review!

This chapter describes the minimum and recommended system configuration for installing and running P&Q Review!, and provides detailed install and start-up procedures.

### What You Need to Install and Run P&Q Review!

P&Q Review! is designed for the personal computer (PC) platform and operates in a Microsoft® Windows environment. You can install P&Q Review! on a...

- Stand-alone PC workstation
- Local area network (LAN) and multiple client PC workstations

### System Requirements

If you are installing P&Q Review! on a stand-alone PC workstation or a LAN, make sure your hardware and software configuration satisfies at least the following minimum requirements:

Component	Minimum	Recommended
Platform	386DX or 486SX (33 MHz) and 64 KB cache	486DX (66 MHz) or Pentium™ and 128 KB cache
RAM	8 MB	8 MB
Hard Disk	See formula	See formula
Comm Port	1 Parallel Port	
Diskette Drives	3.5- or 5.25-inch	
Microsoft® DOS	Vers. 5.0 or higher	
Microsoft® Windows	Vers. 3.1 enhanced mode	
Color Monitor	Windows compatible VGA	SVGA (800x600 or 1024x768)
Pointing Device	Windows compatible	
Graphics Printer	Windows compatible	

## Quality Report — Reviewer Summary

Verify consistent reviewer practices.

P&Q Review			
<b>Teknekron</b> Infoswitch	<b>P&amp;Q Review!</b> Reviewers Report	May 25, 1996 Page 1	
<b>Reviewers report for DEMO</b>			
Brown Robert Code: 103	Earliest Review: 04/29/95 Comment:	Latest Review: 04/29/95	Number of Reviews: 1
Clark Sally Code: 102	Earliest Review: 05/11/95 Comment:	Latest Review: 05/11/95	Number of Reviews: 1
Emmons(R) Joe Code: 202	Earliest Review: 01/24/94 Comment:	Latest Review: 03/22/95	Number of Reviews: 12
Hansen(R) Linda Code: 201	Earliest Review: 03/12/94 Comment:	Latest Review: 03/29/94	Number of Reviews: 3
Turner(R) Linda Code: 200	Earliest Review: 02/12/94 Comment:	Latest Review: 04/01/95	Number of Reviews: 10
USER, DEMO Code: 2002	Earliest Review: 04/15/95	Latest Review: 05/11/95	Number of Reviews: 3

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☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☒ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** \_\_\_\_\_

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